

**Draft Summary of the Plenary Group Meeting  
Oroville Facilities Relicensing (FERC Project No. 2100)  
May 1, 2001**

The Department of Water Resources (DWR) hosted the Plenary Group meeting on May 1, 2001 in Oroville.

A summary of the discussion, decisions made, and action items is provided below. This summary is not intended to be a transcript, analysis of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present a summary of the discussion for information purposes for interested parties who could not attend the meeting.

### **Introduction**

Attendees were welcomed to the Plenary Group meeting. The Plenary Group Meeting agenda and list of meeting attendees and their affiliations are appended to this summary as Attachments 1 and 2, respectively. Flip charts are included as Attachment 3.

Rick Ramirez of DWR welcomed Plenary Group participants and noted that the meeting would be conducted differently. He stated John Clerici will facilitate the Plenary Group meeting this evening. He also noted that DWR is providing a sound system, and two participants are joining the meeting via conference call. DWR is considering use of a portable sound system for all future Plenary Group meetings.

### **Action Items – March 28, 2001 Plenary Group Meeting**

The facilitator reviewed the status of action items from the March 28, 2001 Plenary Group meeting.

<b>Action Item #P24:</b>	Provide copies of Bulletin 132 to the Plenary Group.
Status:	Copies of the Bulletin were provided to the Plenary Group.
<b>Action Item #P25:</b>	Provide clarification on project economics including water and power resources and FERC's approach to project economics.
Status:	A discussion of project economics is included in this meeting.
<b>Action Item #P26:</b>	Reassess the effectiveness of Plenary Group meeting newspaper advertisements.
Status:	Due at the June 11, 2001 Plenary Group meeting.
<b>Action Item #P27:</b>	Presentation on FERC compliance guidelines (assurances).
Status:	A presentation on FERC's compliance guidelines is not included in this meeting.
<b>Action Item #P28:</b>	Arrange a facilities tour for Plenary Group members.
Status:	Deferred to June 11, 2001 Plenary Group meeting.
<b>Action Item #P29:</b>	Land Use, Land Management and Aesthetics Work Group to consider Work Group representation policy at their next meeting.
Status:	DWR Staff will report back from the Land Use Work Group at the June 11, 2001 Plenary Group meeting.
<b>Action Item #P30:</b>	Provide IIP on CD at next Plenary Group meeting.
Status:	CD's were made available to the Plenary Group.
<b>Action Item #P31:</b>	DPR presentation regarding their participation and responsibilities in the relicensing process.
Status:	The presentation will be given at the June 11, 2001 Plenary Group meeting.
<b>Action Item #P32:</b>	Agenda item to discuss audio recording of meetings.
Status:	DWR Staff to provide in this meeting as part of Process Protocols Task Force Update.
<b>Action Item #P33:</b>	Environmental Work Group to consider interim environmental issues and potential for establishing a task force at their next meeting.
Status:	The Work Group is currently in the process of considering interim issues and will report back at the June 11, 2001 meeting of the Plenary Group.

**Action Item #P34:** Consider providing sound system for meetings to improve audio capabilities.  
Status: DWR Staff provided a sound system at this meeting.

Members of the Plenary Group requested that DWR provide a list of current action items at the start of each meeting in the form of either a handout or projected on the over-head screen.

## **Work Group Updates**

### *Recreation and Socioeconomics Work Group*

Steve Nachtman of the consulting team reviewed both the April 19, 2001 Recreation and Socioeconomics Work Group and April 20, 2001 Interim Projects Task Force meetings. A Meeting summary for the Recreation and Socioeconomics work Group is available on the relicensing web site. The next meeting of the Recreation Work Group will be held May 24, 2001. The Interim Task Force will meet on May 10, 2001. Steve mentioned that the Interim Task Force was continuing their evaluation of interim projects and is tentatively scheduled to provide a list of recommended projects at the June 11, 2001 Plenary Group meeting.

### *Land Use, Land Management and Aesthetics Work Group*

Steve Nachtman also reviewed the April 10, 2001 meeting of the Land Use, Land Management and Aesthetics Work Group; the summary is available on the relicensing web site. The next meeting of the Land Use, Land Management and Aesthetics Work Group is May 15, 2001.

- ♦ At the March 28 meeting, the Plenary Group discussed the structure of the Land Use, Land Management and Aesthetics Work Group in the context of how its issues overlap other Work Groups. Wayne Dyok of the consulting team developed a proposal for ensuring coordination among the Work Groups. The proposal is currently being reviewed by the Land Use, Land Management and Aesthetics Work Group.

### *Environmental Work Group*

Wayne Dyok reviewed the April 18, 2001 Environmental Work Group meeting. A summary for this meeting is available on the relicensing web site. The next meeting of the Environmental Work Group is on May 23, 2001.

### *Engineering and Operations Work Group*

Wayne Dyok reviewed both April 5, 2001 and April 26, 2001 meetings of the Engineering Work Group. Summaries for these meetings are available on the relicensing web site. The next meeting of the Engineering and Operations Work Group is May 25, 2001.

### *Cultural Resources Work Group*

Ward Tabor of DWR reviewed the April 17, 2001 Cultural Resources Work Group meeting; a summary is available on the relicensing web site. The next meeting for the Cultural Resources Work Group is May 22, 2001.

- ♦ The Plenary Group discussed coordination between Work Groups. The Engineering Work Group recognizes there are a number of issues it will have to coordinate with other work Groups, especially the Environmental Work Group. DWR Staff suggested that DWR Resource Managers meet to discuss linkages and coordination. The Consulting Team and Facilitator are also in a position to bring up issues that are relevant to multiple Work Groups. Eventually, Joint Task Forces may need to be established to integrate issues common to multiple Work Groups. Jim Fargo of FERC suggested that a subgroup of the Plenary Group be formed to help facilitate and address any issues associated with overlap between Work Groups and to integrate the issues.

The Group discussed the extent of public involvement at the Work Group and Task Force levels. One participant voiced concern that public involvement in the ALP process was decreasing. He suggested that the complex subject matter and meeting times were making it difficult for the public to get involved. Several Plenary Group members commented that the public appears more involved at the Plenary Group level, but not the Work Group or Task Force levels. Rick Ramirez explained the voluntary nature of Task Force formation allows any member of the community to participate. By the nature of their charge, Task Forces are generally smaller groups of individuals with a technical understanding of the issues. DWR staff added that Task Forces do not develop solutions independently, but advise Work Groups that subsequently report recommendations to the Plenary Group for review and approval. The Facilitator pointed out that public participation was greatest in the Work Groups where public interest is most focused. He stated the Recreation and Socioeconomics and Cultural Resources Work Groups have significant public involvement.

- ♦ The Plenary Group requested that Task Force meetings be posted relicensing web site. DWR staff agreed to post Task Force meetings, but advised the Plenary Group that some Task Forces meet on very short notice.
- ♦ The Facilitator reminded the Group that it is their responsibility to keep informed of the process. Those without internet access can review relicensing documents at the Public Reference File located at the local library or call DWR to obtain hard copies of documents.
- ♦ The Plenary Group requested development of a flow chart that shows the relationship of the Plenary Group, Work Groups, and Task Forces. DWR staff agreed to provide the flow chart at the June 11, 2001 Plenary Group meeting.

### **Process Protocol Task Force Update**

Ward Tabor of DWR presented the Plenary Group with a draft of the revised Proposed Process Protocols as revised by the Process Protocols Task Force. A copy of this draft is included as Attachment 4.

The Plenary Group discussed "Consensus" as defined in the draft Proposed Process Protocols on Page 18, Section IV (D). The Process Protocols currently state, "To the extent possible, Participants will resolve issues through consensus – where Participants (including DWR) can live with the decision being made."

Some Plenary Group participants were uncomfortable that DWR has to "live with" the decision before moving forward. One participant asked how much each participant's vote would be worth and if the weight of one participant's vote is equal to the weight of another. DWR Staff reminded the Group that we are not talking about votes, but about collaboration.

It is DWR's goal to reach consensus, however since DWR is the applicant for relicensing, it is unlikely that DWR will include a proposal in its application that is contrary to DWR resource goals. Jim Fargo added that if DWR includes provisions in the license application whereby consensus agreement had not been achieved then the agencies, NGO's, and individuals could challenge the license once the application was filed with FERC. Richard Roos-Collins of the Natural Heritage Institute added that DWR has a strong incentive to reach resolution on each issue to avoid conflicts after the license application is filed.

The Facilitator reminded the group that a review of Agencies' statutory authorities is included in the January 25, 2001 Recreation and Socioeconomics Work Group meeting summary which is posted on the relicensing web site.

Wayne Dyok provided an example of consensus in which the Process Protocols Task Force did not reach agreement, but did come up with a solution they “could live with”. The issue dealt with audiotaping meetings. The Task Force determined that meetings would not be taped, but offered participants an opportunity to bring their own recorder to tape meetings for their own purposes.

- ♦ Richard Roos-Collins explained that DWR must submit a Settlement Agreement to FERC that will be signed by participants in the relicensing process. One participant asked what happens if a party does not sign the Settlement Agreement. Jim Fargo responded that FERC does not require that all groups sign the Settlement Agreement or that all issues be settled when the application is filed. Jim also suggested that it might be advantageous to write the public review period into the Process Protocols. One participant asked if FERC could make a presentation about their role in the relicensing process. This role has been explained at past meetings of the Plenary Group, and Jim stated that he is available to explain this role to anyone who is interested. The Group requested that FERC provide additional information on their role in the relicensing process.
- ♦ Ken Kules of MWD suggested the Plenary Group adopt the current definition of consensus on a tentative basis, and the definition could be modified based on future circumstances.
- ♦ One participant expressed concern that local citizens seemed to be in the minority, and that despite the Process Protocols, DWR staff and other agency representatives were given preference by the facilitator. Rick Ramirez stated he had not noticed any preference and had received comments that DWR is not commenting enough. The Facilitator apologized for unintentionally overlooking anyone and suggested that another system besides participants raising their hands could be considered.

The Plenary Group agreed to adopt the Process Protocols with the following revisions:

1. Section I(C) should read: FERC licenses non-federal hydropower projects on waters that are navigable, located on federal lands, or otherwise subject to U.S. Department of Commerce Clause jurisdiction. For more information see FERC’s Hydroelectric Project Relicensing Handbook, April 1990 on the relicensing web site at <http://www.ferc.us>.
2. Page 5, footnote 4 should read: On May 1, 2001, the Plenary Group adopted these Process Protocols subject to periodic review and revision.

### **Power Economics**

Rick Ramirez of DWR provided the Plenary Group with an overview the State Water Project Economics. A copy of this presentation is included as Attachment 5.

Rick stated DWR’s mission is, “To manage the water resources in California in cooperation with other agencies to benefit the State’s people and to protect, restore, and enhance the natural and human environments.” DWR’s responsibilities include planning, designing, constructing, operating and maintaining the SWP, and other water resources in the state.

Rick added that SWP cost allocation and repayment is cost based. All costs of building and operating the SWP are allocated among project purposes and beneficiaries. State Water Contractors repay, with interest, about 94% of the SWP construction cost. The more distant State Water Contractors in Southern California pay higher transportation costs than contractors in Northern and Central California.

Rick added that the SWP consumes more energy than it produces. However, through purchase and sales agreements, DWR meets its deficits and schedules SWP operations to minimize pump costs and maximize generation sales; i.e. it pumps at night and generates during the day.

- ♦ One participant commented on the great demands placed on Lake Oroville and characterized it as the cornerstone of the SWP. He questioned the relatively low cost difference between what Oroville residents and southern San Joaquin Valley residents pay for water. He stated that there have been major reservoir fluctuations between 1987 and 1992. He added that the State should not supply water to southern California State Water Contractors at the demise and expense of residents at the water's source.
- ♦ Richard Roos-Collins of the Natural Heritage Institute asked how DWR describes the economics of the license boundary of the SWP. Rick Ramirez answered license-boundary is not a term that is defined in DWR cost schedules.

### **Perspective on Progress of Relicensing Process**

Patrick Porgans of Porgans & Associates presented his perspective, concerns and suggestions regarding the ALP process. A copy of his comments is included as Attachment 6.

Patrick represents J.E.M. Farms, walnut growers that own 1,400 acres along the Feather River. He suggested the ALP process be simplified and slowed down to facilitate greater participation and improve communication and cooperation among participants. Patrick made the recommendation that local citizens get together to agree upon a list of priority issues. He suggested that the locals could then bring this list back into the process.

- ♦ Several participants commented that a similar list of recreation concerns has already been completed and submitted to the Recreation and Socioeconomics Work Group and that it was unlikely that many new issues would be discovered in this process. DWR Staff added that the Interim Projects Task Force is developing a list of priority projects that will be presented at the Recreation Work Group on May 24, 2001. DWR also noted that the public would have several opportunities to present issues during the scoping phase of the process.

### **Scoping Document Update**

Wayne Dyok of the consulting team submitted a rough draft of Scoping Document 1 to the Plenary Group. He cautioned that the current version does not include the appendices or issue statements from all the Work Groups.

- ♦ Jim Fargo of FERC stated he thought it was decided at the February 28, 2001 Plenary Group meeting that a draft of SD1 would not be distributed until the document was completed.
- ♦ Several members of the Plenary Group also expressed concern that local issues were not included in the draft of SD1. Wayne assured the Plenary Group that the SD1 will include all issues identified to date in the appendices. Wayne added that the appendices had not been added to the draft to save space. His intent for distributing the draft of SD1 was to give the Plenary Group an opportunity to preview it.
- ♦ The Group requested that DWR provide an explanation as to where we are in the relicensing process. This explanation should be included in the agenda for the next Plenary Group meeting.

The Plenary Group agreed that the draft of SD1 should be distributed only after each Work Group agrees on scoping statements

- ◆ Nan Nalder of Acres International described Scoping Document 1 as incredibly important and suggested a 30-day review period be given to the Plenary Group. She suggested that a presentation of the issues should also be provided. Other participants added they are feeling rushed in the scoping process. Rick Ramirez stated DWR could accommodate a 30-day review period, but cautioned that the Plenary Group needs to start moving beyond informational presentations and proceed toward developing the Study plans.

Wayne Dyok affirmed that the Scoping Document is important and that if the Work Groups have completed their recommendations on scoping issues by the next Plenary Group meeting a draft of Scoping Document 1 could be prepared for their review.

The Plenary Group requested identification of time-sensitive studies for presentation to the Plenary Group to avoid delays in the process. The Plenary Group suggested that each Work Group convene a Task Force to address time-sensitive studies.

### **Next Meeting**

The Plenary Group agreed to meet on:

Date: Monday, June 11, 2001

Time: 5:00 p.m. to 9:00 p.m.

Location: Oroville Sports Club

Jim Fargo of FERC requested that the Plenary Group consider scheduling their meetings to coincide with Work Group meetings. Another participant recommended increasing the time allotted for each Plenary Group meeting. DWR staff agreed to consider making the Plenary Group meetings longer as required.

### **Agreements Made**

1. The Plenary Group agreed to adopt the Process Protocols with the following revisions:
  - Section I(C) should read: FERC licenses non-federal hydropower projects on waters that are navigable, located on federal lands, or otherwise subject to U.S. Department of Commerce Clause jurisdiction. For more information see FERC's Hydroelectric Project Relicensing Handbook, April 1990 on the project web site at <http://www.ferc.fed.us>.
  - Page 5, footnote 4 should read: On May 1, 2001, the Plenary Group adopted these Process Protocols subject to periodic review and revision.
2. The Plenary Group agreed a 30-day review period of draft Scoping Document 1.
3. The Plenary Group agreed to meet again on June 11, 2001 from 5:00 p.m. to 9:00 p.m. at the Oroville Sports Club.

### **Action Items**

The following list of action items identified by the Plenary Group includes a description of the action, the participant responsible for the action, and item status.

**Action Item #P35:** Evaluate time-sensitive studies for early implementation for each Work Group. Potentially form Task Forces  
**Responsible:** Work Groups  
**Due Date:** June 11, 2001

**Action Item #P36:** Provide Action Item as overhead at the Plenary Group meeting.  
**Responsible:** Consulting Team  
**Due Date:** June 11, 2001

**Action Item #P37:** Post Task Force meetings on the relicensing web site.  
**Responsible:** DWR Staff  
**Due Date:** June 11, 2001

**Action Item #P38:** Clarify FERC's role in relicensing.  
**Responsible:** FERC  
**Due Date:** June 11, 2001

**Action Item #P39:** Provide clarification on the planning process and current status of Work Groups and Plenary Group activities. Provide flow chart with target dates and public input periods.  
**Responsible:** Consulting Team  
**Due Date:** June 11, 2001

**Action Item #P40:** Presentation of interim projects to the Plenary Group.  
**Responsible:** DWR Staff  
**Due Date:** June 11, 2001

**Action Item #P41:** Review Plenary Group meeting schedule – correlate with Work Group meetings to facilitate FERC participation.  
**Responsible:** Consulting Team  
**Due Date:** June 11, 2001

**Action Item #P42:** Provide a flow chart that depicts the relationship of Work Groups, Task Forces and the Plenary Group.  
**Responsible:** DWR Staff  
**Due Date:** June 11, 2001

**Department of Water Resources  
Oroville Facilities Relicensing  
Plenary Group Meeting  
Proposed Agenda**

May 1, 2001  
5 p.m. – 9 p.m.  
Oroville Sports Club  
Oro Health Conference Room  
2600 Oroville Dam Boulevard  
Oroville, California

***Desired Outcomes***

- *Updates on Relicensing Activities, Work Groups, and Task Force*
- *Acceptance of Task Force Recommendations for Revisions to Protocol Documents*
- *Discussion of Other Scoping Issues*
- *Next Steps for Plenary Group*

I.	Welcome, Introductions, and Meeting Objectives	(5:00 – 5:15)
II.	March 28, 2001 Meeting Summary and Action Items	(5:15 – 5:30)
III.	Updates on Relicensing Work Groups <ul style="list-style-type: none"><li>• Recreation and Socioeconomics</li><li>• Environmental</li><li>• Land Use, Land Management, and Aesthetics</li><li>• Engineering &amp; Operations</li><li>• Cultural Resources</li></ul>	(5:30 – 6:00)
IV.	Process Protocols Task Force Update	(6:00 – 7:30)
	BREAK	(7:30 – 7:45)
V.	Power Economics	(7:45 – 8:15)
VI.	Perspective on Progress of Relicensing Process	(8:15 – 8:30)
VII.	Scoping Document Update	(8:30 – 8:35)
VIII.	License Implementation Assurances	(8:35 – 8:40)
IX.	Group Site Tours – Potential Dates	(8:40 – 8:45)
X.	Action Items and Next Steps	(8:45 – 9:00)



**Plenary Group Meeting Attendees  
Oroville Facilities Relicensing (FERC Project No. 2100)  
May 1, 2001**

Andy Atkinson	CA Department of Fish and Game
Art Angle	Enterprise Rancheria
Bruce Steidl	Mooretown Rancheria
Craig T. Jones	State Water Contractors
D.C. Jones	Residence
David Whitewolf	Cherokee Tribe
Diana Mahmud	Metropolitan Water District
Dick Dunkel	Lake Oroville Fish Enhancement Committee
Don Blake	The Bulletin
Frances Kelley	Butter County Citizens for Fair Government
Frank Cotton	Santa Clara Valley Water District
Gordon Andoe	City of Oroville
Greg Elvine-Kreis	Mooretown Rancheria
Jim Fargo	FERC
Jon Rubin	Santa Clara Valley Water District
Kathy Papa	State Mounted Assistance Unit
Kathy Petersen	OWID
Ken Kules	Metropolitan Water District
Loren Gill	Berry Creek Improvement Club
Lori Brown	Department of Water Resources
Mary Lou Cotton	Castaic Lake Water Agency
Mike Kelley	Butte County Tax Payers Association
Mike Mainz	CA Department of Fish and Game
Nan Nalder	Acres International / State Water Contractors
Patrick J. Porgans	Porgans & Associates
Peter Maki	Feather River Nature Center
Rashid Ahmad	Department of Water Resources
Ray Gannett	Funtime Fulltime Inc., dba Bidwell Marina
Richard Roos-Collins	Natural Heritage Institute
Rick Wilson	Enterprise Rancheria
Roger Masuda	Butte County
Rosalie Bertram	Enterprise Rancheria
Sharon Stohrer	State Water Resources Control Board
Steve Nachtman	HARZA / EDAW
Tom Glover	Department of Water Resources
Vince Wong	Zone 7 Water Agency
Wade Hough	Butte Sailing Club, ORAC
Ward Tabor	Department of Water Resources
Wayne Dyok	HARZA / EDAW

## **Notes from Flip Charts Oroville Facilities Relicensing (FERC Project No. 2100)**

The following list was recorded on flip charts during the Plenary Group Meeting. The flip chart listing is not intended to be a transcript or analysis of the meeting or to indicate agreement or disagreement with the items listed; the intent is to provide a summary for informational purposes for interested parties who could not attend the meeting.

- Oroville City Council meets on the first and third Tuesday of the month – Conflicts with attending these meetings
- Organize Public Reference File – difficult to find things
- Not enough public participation in Task Force meetings
- Evaluate methods for recognizing people during discussion
- Provide Plenary Group a 30-day review of draft Scoping Document 1

### Draft Process Protocols

- Strike second sentence in 1-C – Provide reference to FERC web site

### Action Items

- Evaluate time sensitive studies for early implementation for each Work Group – Potential Task Force
- Provide Action Item as overhead at Plenary Group meetings
- Post Task Force meetings on the relicensing web site
- Clarify FERC's role in relicensing – authority over applicant
- Provide clarification on the process and current status of Work Groups and Plenary Group (Where are we?)
- Presentation of interim projects to the Plenary Group
- Review Plenary Group meeting schedule – correlate with Work Group meetings to facilitate FERC participation

### Next Meeting

June 11, 2001

5:00 to 9:00 p.m.

Oroville Sports Club